

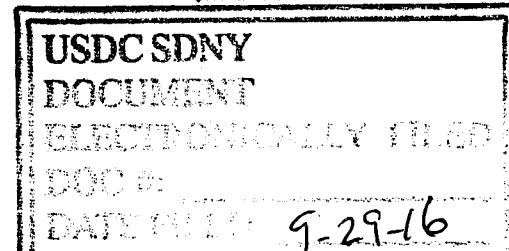
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of

ALBERT JOHN MARTIN ABELA, ALBERT J.M.
ABELA SRL, and ALBERT J.M. ABELA CATERING
AND INTERACTIVE SERVICES LIMITED,

For an Order to Conduct Discovery for
Use in Foreign Proceedings

Case No. M-16-Mc-348



**ORDER GRANTING APPLICATION FOR
ASSISTANCE PURSUANT TO 28 U.S.C §1782**

THIS CAUSE came before the Court upon the Application for Assistance Pursuant to 28 U.S.C. § 1782 filed by Albert John Martin Abela, Albert J.M. Abela SRL, and Albert J.M. Abela Catering and Interactive Services Limited (“Applicants”). The Court, having considered the § 1782 Application and supporting materials and otherwise being fully advised in the premises, finds as follows:

A. Applicants have met the requirements under 28 U.S.C. § 1782 for granting the requested judicial assistance.

B. For purposes of the instant Application, the Court finds that Applicants seek evidence from The Clearing House Payments Company, LLC, which entity is found in the Southern District of New York (the “Discovery Target”).

C. The documentary and testimonial discovery sought through this Application is for use in contempt proceedings against Ahmad Baadarani, which are within Applicants’ reasonable contemplation before the English High Court (the “Contempt Proceeding”).

D. Further, as putative claimants in the contemplated Contempt Proceeding, Applicants are interested persons within the meaning of 28 U.S.C. § 1782.

E. The discretionary factors, as described by the United States Supreme Court in Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 247 (2004), weigh in favor of granting the requested assistance.

F. More particularly: (1) the Discovery Target is not expected to be a party to the Contempt Proceeding; thus, the need for this discovery is more apparent; (2) there is no indication that the English High Court will not be receptive to U.S. federal-court judicial assistance as requested in the Application; (3) the Application does not conceal an attempt to circumvent English proof-gathering restrictions; and (4) the Application seeks discovery that is not unduly intrusive or burdensome as the Application requests evidence of the Discovery Subject that is the type normally produced by corporate entities or persons during litigation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Application is **GRANTED**.
2. Any discovery taken pursuant to this Order, including related motion practice, shall be governed by the Federal Rules of Civil Procedure.
3. Applicants are authorized to issue and serve a subpoena on The Clearing House Payments Company, LLC, in substantially similar form to the form attached to the Application. The Applicants are further authorized to issue and serve additional follow up subpoenas on the Discovery Target as may be necessary to obtain the documentary and testimonial evidence for use in the Contempt Proceeding.
4. The Discovery Target is ordered to preserve all relevant and potentially relevant evidence in their possession, custody or control until further order of this Court.

5. Nothing in this Order should be construed to prevent or otherwise foreclose the Applicants from seeking modification of this Order or leave of Court to serve any additional subpoena on a person or entity.

IT IS SO ORDERED, this 29 day of September, 2016.

John F. Keeler
UNITED STATES DISTRICT COURT JUDGE

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